

U.S. Patent Application No. 09/774,266
Amendment filed September 4, 2003
Reply to Office Action Dated June 4, 2003

REMARKS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what applicants regard as their invention. Full support for this amendment can be found throughout the present application, including the claims as originally filed. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

At page 2 of the Office Action, the Examiner acknowledges the applicants' election of Group I, which includes claims 1-11, 15, 16, and 33. However, with respect to the non-elected claims, i.e., 12-14, 17-32, and 34, the Examiner asserts that the arguments presented by the applicants were not persuasive; therefore, the Examiner asserts that the restriction requirement is deemed proper and is therefore made Final. With respect to the species election of Group I, the Examiner withdraws the species election requirement for Group I.

At the bottom of page 2 of the Office Action, the Examiner asserts that the search report for European Application No. 01916103 listed in the Information Disclosure Statement (IDS) cannot be considered and has been removed from the PTO-1449. The Examiner asserts that the reference is not dated as written.

In response, a document does not need to be dated in order for the Examiner to consider the document for purposes of examination. There have been numerous patents issued by the United States Patent and Trademark Office that list documents and then in parentheses state, "no date provided," or similar language. Accordingly, the Examiner is respectfully requested to consider the

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partial search report and to show this consideration by re-issuing a Form PTO-1449. At a minimum, the Examiner should at least indicate that the partial search report was read and considered and there is no need to include this search report on the face of any patent that may issue from the present application. Accordingly, the Examiner should reconsider his position in this matter in view of the previous actions taken by the United States Patent and Trademark Office in other cases.

At page 3 of the Office Action, the Examiner rejects claims 1, 7, 15, and 33 under 35 U.S.C. §102(b) as being anticipated by Lunkwitz et al. (U.S. Patent No. 5,540,837). The Examiner asserts that column 9, lines 55-67 of Lunkwitz et al. describes a membrane which comprises a PTFE/polyacrylic acid blend prepared by treating PTFE membrane with polyacrylic acid. The Examiner further asserts that PTFE is a fluropolymer and polyacrylic acid contains carboxylic acid groups that are ionic or ionizable. Therefore, the Examiner asserts that the claimed invention is anticipated by Lunkwitz et al. For the following reasons, this rejection is respectfully traversed.

Claim 1 of the present application recites a polymer blend including (a) at least one acrylic resin or both acrylic/vinyl resins having at least one ionic or ionizable group and (b) at least one thermoplastic fluropolymer, wherein (a) and (b) are different.

In the rejection, the Examiner takes the position that the acrylic acid in Lunkwitz et al. satisfies the limitation of acrylic or vinyl resin having at least one ionic or ionizable group. However, the Examiner should understand this terminology as set forth in claim 1 in view of the present application. In more detail, the acrylic resin or polymer that eventually bears the one or

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more ionic or ionizable groups can be, for instance an acrylic acid, methacrylic acids, esters of these acids, and the like. See page 6, lines 27-34 of the present application. Thus, the acrylic resin or polymer can be a polymer of acrylic acid, but the ionic or ionizable group is a separate group. In other words, the acrylic acid is only the acrylic resin or polymer and does not include the ionic or ionizable group. Examples of the ionic and ionizable group are discussed at page 7, lines 3-9 of the present application, for instance. Furthermore, the polymer containing the ionic or ionizable group is discussed at page 7, lines 14-19, as well as page 8, lines 11-17 of the present application. Thus, since an acrylic acid could only be the acrylic or vinyl part, Lunkwitz et al. does not teach or suggest the presence of an ionic or ionizable group. If the Examiner believes that language should be presented in claim 1 to further express the above-described understanding of claim 1, the Examiner can indicate that such language would be helpful. For these reasons, Lunkwitz et al. does not teach or suggest the claimed invention and the rejection should be withdrawn.

*Argued not in the claim
disagrees
acrylic acid group is also ionizable
no specific
do not contain
acrylic acid*

At page 3 of the Office Action, the Examiner rejects claims 1-3, 6, 8, 9, 15, and 33 under 35 U.S.C. §102(b) as being anticipated by Prakash et al. (International Published Application No. WO 98/22989). According to the Examiner, page 7, lines 6-17 of Prakash describes a membrane composed of a polyblend of sulfonated polystyrene and poly(vinylidene fluoride) (PVDF). The Examiner then asserts that since sulfonated polystyrene is a vinyl resin containing at least one ionic or ionizable sulfonated group, Prakash et al. describes all of the limitations of the claimed invention. For the following reasons, this rejection is respectfully traversed.

Prakash et al. relates to a polymer electrolyte membrane composed of polystyrene

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sulfonic acid and poly(vinylidene fluoride). Prakash et al., therefore, only shows the sulfonation of a styrenic group. Prakash et al. does not teach or suggest an acrylic resin or a combination of an acrylic resin and a vinyl resin which has at least one ionic or ionizable group.

With respect to claim 8, the Examiner rejects claim 8 in view of Prakash et al., however, from a review of Prakash et al., there appears to be no teaching or suggestion of each of the components set forth in claim 8. For the same reason, the subject matter of claim 9 would also be not taught or suggested by Prakash et al.

Accordingly, for these reasons, this rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 1-3, 7, 8, and 11 under 35 U.S.C. §102(b) as being anticipated by Rober et al. (U.S. Patent No. 5,554,426). At page 4 of the Office Action, it appears the Examiner made a typographical error by referring to Rober et al. as International Published Application No. WO 98/22989. The Examiner asserts that Rober et al. describes a multilayer plastic pipe which contains a layer having a mixture (or a blend) of PVDF and an acrylate copolymer. Furthermore, according to the Examiner, column 3, lines 50-55 of Rober et al. describes that the acrylate copolymer contains 0-15 wt. % of carboxylic acid ionic or ionizable group. Accordingly, the Examiner concludes that Rober et al. teaches all of the limitations of the claimed invention. For the following reasons, this rejection is respectfully traversed.

Rober et al. relates to a multi-layer plastic pipe which uses PVDF. The Examiner also makes reference to an acrylic copolymer containing 0-15% by weight of a carboxylic acid ionic or ionizable group. However, as indicated above, this would amount to being a polymer of an

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acrylic acid which, as described above, would not be covered by claim 1. As indicated, an acrylic acid would only be the acrylic resin part of component (A) in claim 1 and there is no teaching or suggestion in Rober et al. with respect to this acrylic acid containing an ionic or ionizable group. As exemplified in the present application, a polymer of acrylic acid can be the acrylic resin while the ionic or ionizable group can be a sulfonated or phosphonated group or both, or other groups. It is clear, from the present application, that a polymer of an acrylic acid alone would not be "at least one acrylic resin having at least one ionic or ionizable group" as understood by the present application. Accordingly, for these reasons, this rejection should be withdrawn as well.

At page 5 of the Office Action, the Examiner objects to claims 4, 5, and 10 as being dependent on a rejected claim. The Examiner indicates that claims 4, 5, and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above, the applicants believe that the remaining claims are also patentable.

In view of the above comments, the applicants further believe that the withdrawn claims, especially claim 12 and the claims dependent thereon, should be examined at this time due to the similarity of the subject matter with the examined claims and due to the same issues that would be involved in examination.

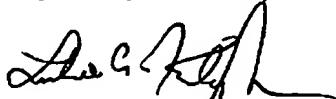
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CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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